

REMARKS

The Present Invention

The present invention pertains to an antibody that is reactive with an immunogenic peptide of MART-1.

The Pending Claims

Claims 36-38 are currently pending and are directed to antibodies that are reactive with an immunogenic peptide having the formula $X_1X_2X_3IGILTX_4$ (SEQ ID NO: 122).

The Office Action

The Office has rejected claims 36-38 under 35 U.S.C. § 103 (a) as allegedly obvious in view of Kawakami et al., *P.N.A.S.* 91: 3515-2519 (1994) (herein referred to as Kawakami et al.), or U.S. Patent No. 5,620,886 (herein referred to as the '886 patent), or International (PCT) Application No. WO 94/21126 (herein referred to as the '126 application), in view of Campbell, Monoclonal Antibody Technology, Eds. Elsevier Science Publishers, Chapter 1, pages 1-32 (1986) (herein referred to as Campbell). Reconsideration of this rejection is hereby requested.

The Amendments to the Claims

Claim 36 has been amended to remove the reference to a peptide containing amino acids derived from MART-1. Furthermore, claim 36 has been amended to recite the SEQ ID NO for the peptide $X_1X_2X_3IGILTX_4$ (i.e., SEQ ID NO: 22). No new matter has been added by way of these amendments.

Discussion of the Obviousness Rejection

The Office has rejected claims 36-38 under 35 U.S.C. § 103 (a) as allegedly being obvious in view of Kawakami et al., the '886 patent, or the '126 application, in view of Campbell. This rejection is traversed for the reason set forth below.

Claim 36, as amended, is directed to an antibody that is reactive with an immunogenic peptide having the formula $X_1X_2X_3IGILTX_4$. As none of the references cited by the Office teach or suggest the recited peptide, the references, alone or in combination, cannot be said to render obvious the antibody as presently claimed. In this regard, the subject matter of the pending claims is non-obvious to one of ordinary skill in the art. Applicants, therefore, request that the Section 103 rejection of claims 36-38 be withdrawn.

In re Appln. of Kawakami et al.
Application No. 09/898,860

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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